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28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29
 30 SURGICAL INSTRUMENT SERVICE
 31 COMPANY, INC.,

32 Case No. 3:21-cv-03496-AMO

33 v.

34 INTUITIVE SURGICAL, INC.,

35 **DEFENDANT'S ADMINISTRATIVE
 MOTION FOR LEAVE TO FILE
 OBJECTIONS TO PLAINTIFF'S
 DEMONSTRATIVE EXHIBIT FOR
 OPENING STATEMENTS**

36 *Defendant.*

37 The Honorable Araceli Martínez-Olguín

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 7-11, Defendant Intuitive Surgical, Inc. (“Intuitive”) hereby brings this Administrative Motion for Leave to file the attached statement of its objections to the demonstratives that Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) has proffered for use during opening statements at trial tomorrow. Intuitive respectfully requests that the Court grant leave for this filing because SIS’s opening demonstratives implicate the Court’s core rulings on the parties’ motions *in limine*, and cannot be presented in their current form without misleading the jury about key disputed facts or opening the door to evidence that the Court has excluded at SIS’s request. Granting leave will allow the Court to consider these issues with the benefit of the succinct explanation of the bases for Intuitive’s objections attached hereto as Exhibit A.

This motion is based upon this Notice of Motion and Motion, the accompanying Objections attached as Exhibit A hereto, and such arguments and authorities as may be presented at or before any hearing. Counsel for Intuitive has met and conferred with counsel for SIS, and SIS has represented that it opposes this motion.

Accordingly, Intuitive respectfully requests that the Court grant leave for Intuitive to file the attached statement of the basis for its objections to SIS's opening statement demonstratives (Exhibit A).

Dated: January 5, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

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6 *Intuitive Surgical, Inc.*

CERTIFICATE OF SERVICE

I, Kenneth A. Gallo, hereby certify that on January 5, 2025, I caused a true and correct copy of the foregoing Administrative Motion for Leave to File Objections to Plaintiff's Demonstrative Exhibit for Opening Statements to be electronically filed via the Court's Electronic Case Filing System, which pursuant to the Court's order of September 29, 2008, constitutes service in this action on counsel of record for Surgical Instrument Service Company, Inc.

Dated: January 5, 2025

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

Attorney for Intuitive Surgical, Inc.